

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF PENNSYLVANIA

BURCHICK CONSTRUCTION COMPANY, INC

Plaintiff,

Civil Docket No. 05-CV-12E

v.

HBE CORPORATION,

Judge McLaughlin

Defendant.

**MOTION TO EXTEND DISCOVERY  
AND OTHER PRETRIAL DATES**

AND NOW COMES Defendant HBE Corporation (hereafter “HBE”), by its undersigned counsel, and moves the Court to extend the discovery cutoff date and other pretrial dates as follows:

1. HBE has determined that it has an additional claim against Plaintiff Burchick Construction Company, Inc. (“Burchick”) which necessitates the extension of discovery and potentially the filing of an Amended Counterclaim.
2. HBE requests that the discovery cutoff date, presently set at Monday, September 19, 2005, be extended to and including Monday, November 21, 2005, and that all other pretrial dates be correspondingly extended.
3. HBE has sought the consent of Burchick to this motion and consent was withheld, as reflected in the attached Scheduling Motion Certificate.
4. This is a first request for extension of time.

WHEREFORE, HBE requests the Court to extend the discovery cutoff and other pretrial dates as proposed in the attached proposed Order.

Respectfully submitted,

POLITO & SMOCK, P.C.

By: s/Michael D. Glass

Michael D. Glass

PA ID No. 34431

John H. Riordan

PA ID No. 19922

Four Gateway Center, Suite 400

444 Liberty Avenue

Pittsburgh, PA 15222-1237

(412) 394-3333

*Counsel for Defendant HBE Corporation*

**CERTIFICATE OF SERVICE**

We hereby certify that on this 14th day of September, 2005, a true and correct copy of the foregoing Motion to Extend Discovery and Other Pretrial Dates was served via United States Postal Service first class mail, postage prepaid to the following counsel of record:

Kurt F. Fernsler, Esq.  
Reed Smith LLP  
435 Sixth Avenue  
Pittsburgh, PA 15219-1886

POLITO & SMOCK, P.C.

By: s/Michael D. Glass  
Michael D. Glass

UNITED STATES DISTRICT COURT  
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**SCHEDULING MOTION CERTIFICATE**

I, Michael D. Glass, Counsel for HBE Corporation, telephoned Kurt F. Fernsler, Counsel for Burchick Construction Company, Inc., on Wednesday, September 14, 2005 at 1:20 p.m. to seek consent to: a) extending the discovery cutoff in the within matter from Monday, September 19, 2005 to Monday, November 21, 2005 and b) correspondingly extending all other pretrial dates. Mr. Fernsler indicated that consent was withheld.

There are no other parties to the within matter.

Respectfully submitted,

POLITO & SMOCK, P.C.

By: s/Michael D. Glass  
Michael D. Glass  
PA ID No. 34431  
John H. Riordan  
PA ID No. 19922  
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*Counsel for Defendant HBE Corporation*

**CERTIFICATE OF SERVICE**

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POLITO & SMOCK, P.C.

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